

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TYRELL HENDERSON,

Defendant.

CR-16-10-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on March 29, 2023. (Doc. 135.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on March 28, 2023. (Doc. 134.) The United States accused Tyrell Henderson, (Henderson) of violating his conditions of supervised release 1) by failing to complete his term at Connections

Corrections; 2) by failing to notify his probation officer of a change in residence; 3) by failing to answer truthfully questions asked by his probation officer; 4) by failing to notify his probation officer of a change in employment; and 5) by using buprenorphine. (Doc. 133.)

At the revocation hearing, admitted Henderson admitted that he had violated the terms of his supervised release 1) by failing to complete his term at Connections Corrections; 2) by failing to notify his probation officer of a change in residence. Henderson denied allege violations 3, 4 and 5. The Court dismissed alleged violations 3, 4 and upon the Government's motion. (Doc. 134.) Judge Johnston found that the violations Henderson admitted prove serious and warrants revocation of Henderson's supervised release and recommends a custodial sentence of 12 months, with no supervised release to follow. Judge Johnston also recommended that Hendeson serve his term of custody at the Federal Correctional Institution in Sheridan, Oregon. (Doc. 135.) Henderson was advised of his right to appeal and his right to allocute before the undersigned. He waived those rights. (Doc. 134.) The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 135) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Tyrell Henderson be sentenced to the Bureau of Prisons

for a sentence of 12 months, no supervised release to follow. Henderson should be housed at the Federal Correctional Institution in Sheridan, Oregon.

DATED this 30th day of March, 2023.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable.

Brian Morris, Chief District Judge
United States District Court